

EXHIBIT 1

REDACTED

Wednesday, July 30, 2025 at 10:13:04 AM Pacific Daylight Time

Subject: RE: OpenAI - Text Message and Social Media Message Dispute
Date: Wednesday, July 30, 2025 at 9:32:06 AM Pacific Daylight Time
From: Wong, Melody Ellen
To: Emily Cronin, Homer, Carolyn M., KVP-OAI, OpenAICopyright, Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com)
CC: newsplaintiffs-service@simplelists.susmangodfrey.com, Holden Benon, NewYorkTimes_Microsoft_OHS, #NewYorkTimes-Microsoft-FDBR, Alex Frawley
Attachments: image003.png, image004.png, image005.png

EXTERNAL Email

Counsel,

As previewed previously, the concerns you raised appear to be the result of different collection methods performed by a different vendor used by personal counsel for OpenAI individuals. We are working with their counsel to investigate and resolve the technical issues you flagged and expect to get back to you in due course.

We are also looking into Microsoft's production of text messages involving OpenAI custodians. Please provide a list of Bates numbers for these text messages so that we can investigate. Depending on the custodian, we may also need to work with personal counsel on this issue as well.

As we're still investigating your concerns, and do not yet have the list of Bates numbers from you, it is premature to bring these issues to the Court's attention.

Best,
 Melody

Melody Wong
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**MOFFITT
 HORRISON
 FOERSTER**

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From: Emily Cronin <ECronin@susmangodfrey.com>
Sent: Monday, July 28, 2025 12:54 PM
To: Homer, Carolyn M. <CMHomer@mofo.com>; KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>
Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>; #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>; Alex Frawley <AFrawley@susmangodfrey.com>

Subject: Re: OpenAI - Text Message and Social Media Message Dispute

External Email

Counsel,

Following up on my emails below. Please let me know your availability tomorrow for a call. On top of the issues flagged in my prior emails, we have another concern with OpenAI's text message production that we'd like to discuss. Given the looming August 19 deadline, if we don't receive substantive responses regarding this issue and the others raised in my July 21 and July 24 emails by Wednesday morning, we will need to seek relief from the Court.

Additional issue to discuss:

- There are 133 text messages in Microsoft's production involving OpenAI custodians that are missing from OpenAI's production. Given that OpenAI's July 14 production had only 35 text messages in it (with only 23 unique messages), OpenAI's production was not "substantially complete." Please explain by Wednesday morning why OpenAI did not produce these messages.

Thanks,
Emily

Emily Cronin Stillman | Susman Godfrey LLP

1900 Avenue of the Stars, Suite 1400

Los Angeles, CA 90067

310-789-3157 (o) | 949-436-3222 (c) | ecronin@susmangodfrey.com

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From: Emily Cronin Stillman <ECronin@susmangodfrey.com>

Date: Thursday, July 24, 2025 at 2:43 PM

To: "Homer, Carolyn M." <CMHomer@mofo.com>, KVP-OAI <kvpoi@keker.com>, OpenAICopyright <OpenAICopyright@mofo.com>, "Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com)" <openaicopyrightlitigation.lwteam@lw.com>

Cc: "newsplaintiffs-service@simplelists.susmangodfrey.com" <newsplaintiffs-service@simplelists.susmangodfrey.com>, Holden Benon <oai-ndca-

sdny@simplelists.susmangodfrey.com>, NYT-AI-Microsoft-OC
<newyorktimes_microsoft_ohs@orrick.com>, #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbbr@faegredrinker.com>, Alex Frawley <AFrawley@susmangodfrey.com>

Subject: Re: OpenAI - Text Message and Social Media Message Dispute

EXTERNAL Email

Carolyn,

Thanks. We look forward to your response and hope we can discuss early next week. One of our concerns, for example, is the redacted message participant issue flagged in my July 21 email. OpenAI produced text messages between Sam Altman and persons whose identities are redacted or just listed as “me”. Without knowing who Altman was texting, we have no way to determine whether we need to subpoena a third party or—if they are OpenAI employees—seek to add them as a custodian or serve additional discovery requests ahead of the August 19 deadline. If OpenAI does not plan to remove these redactions and cure the other issues raised below in short order, we need to seek relief from the Court before the August 12 hearing.

Your email raises two more questions that we’d like to discuss:

- For each of the custodians’ text message and social media collections, who was responsible for that collection (i.e. personal counsel, outside counsel of record)? If it was their personal counsel, please identify them.
- Please confirm that none of the individual custodians (as opposed to their lawyers) were responsible for collecting their own social media or text messages.

Thanks,

Emily

Emily Cronin Stillman | Susman Godfrey LLP

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From: "Homer, Carolyn M." <CMHomer@mofo.com>

Date: Thursday, July 24, 2025 at 9:18 AM

To: Emily Cronin Stillman <ECronin@susmangodfrey.com>, KVP-OAI <kvpoai@keker.com>, OpenAICopyright <OpenAICopyright@mofo.com>, "Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com)" <openaicopyrightlitigation.lwteam@lw.com>

Cc: "newsplaintiffs-service@simplelists.susmangodfrey.com" <newsplaintiffs-service@simplelists.susmangodfrey.com>, Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>, NYT-AI-Microsoft-OC

<newyorktimes_microsoft_ohs@orrick.com>, #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>, Alex Frawley <AFrawley@susmangodfrey.com>

Subject: RE: OpenAI - Text Message and Social Media Message Dispute

EXTERNAL Email

Emily, we're working on a comprehensive responsive and will send when able. As a preview, I think most of your concerns below are the natural byproduct of different collection methodologies for different personal communications being performed by different vendors, sometimes through personal counsel for the individuals, and not any actual discovery deficiency.

Carolyn Homer

Of Counsel

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Washington, DC 20037

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From: Emily Cronin <ECronin@susmangodfrey.com>

Sent: Thursday, July 24, 2025 11:54 AM

To: Homer, Carolyn M. <CMHomer@mofo.com>; KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>

Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>; #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>; Alex Frawley <AFrawley@susmangodfrey.com>

Subject: Re: OpenAI - Text Message and Social Media Message Dispute

External Email

Counsel,

Following up on the below. When can we expect a response?

Thanks,
Emily

Emily Cronin Stillman | Susman Godfrey LLP

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Los Angeles, CA 90067

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From: Emily Cronin Stillman <ECronin@susmangodfrey.com>

Date: Monday, July 21, 2025 at 2:14 PM

To: "Homer, Carolyn M." <CMHomer@mofo.com>, KVP-OAI <kvpoi@keker.com>, OpenAICopyright <OpenAICopyright@mofo.com>, "Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com)" <openaicopyrightlitigation.lwteam@lw.com>

Cc: "newsplaintiffs-service@simplelists.susmangodfrey.com" <newsplaintiffs-service@simplelists.susmangodfrey.com>, Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>, NYT-AI-Microsoft-OC <newyorktimes_microsoft_ohs@orrick.com>, #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdb@faegredrinker.com>, Alex Frawley <AFrawley@susmangodfrey.com>

Subject: Re: OpenAI - Text Message and Social Media Message Dispute

EXTERNAL Email

Counsel,

We reviewed OpenAI's July 14 text message production and have some questions and concerns. Let's please discuss on our Tuesday July 22 call.

- OpenAI only produced 35 text message conversations containing just 23 unique conversations from three custodians (Varun Shetty, Sam Altman, and Greg Brockman), and produced 0 social media messages. Is OpenAI's text message and social media production complete? If so, this number seems extremely low. Please be prepared to explain how you searched for and identified responsive text messages and social media messages from the custodians OpenAI identified in its interrogatory response. See OpenAI's Mar. 10, 2025 Resp. to NYT's Interrogatory No. 11 [REDACTED] *see also* Authors Guild Dkt. 230; <https://x.com/gdb/status/1282532831281811456> (Brockman soliciting DMs about building apps on OpenAI's API); Oct. 30 Hearing Transcript at 41:9-42:7.
- Did OpenAI use a 24-hour timeframe metric to extract responsive text messages for production, as agreed? It's not clear from the production. For example, OPCO_MDL_PD_000000723 only shows one message, while OPCO_MDL_PD_000000047 shows 12 messages over a two-day period.

- There are several technical issues with the production that need to be remedied ASAP:
 - On some of the text threads, the phone numbers are redacted and/or the message participant is listed as “me” so it is impossible to determine who the message participants are. *See, e.g.*, OPCO_MDL_PD_000000047; OPCO_MDL_PD_000000582.
 - Many of the attachments in the produced text conversations are not visible and don’t appear to be included in the document family. *See* OPCO_MDL_PD_000000477.
 - There are several duplicate texts with the same content and same custodian that show different dates and times. For example:
 - OPCO_MDL_PD_000000047 and OPCO_MDL_PD_000000718 are duplicates with the same dates/times
 - OPCO_MDL_PD_000001480 is a duplicate of these from the same custodian, but the listed date and time is different
 - OPCO_MDL_PD_000000529, OPCO_MDL_PD_000000716, and OPCO_MDL_PD_000001473 are duplicates but the listed times are different
 - OPCO_MDL_PD_000000595 and OPCO_MDL_PD_000000730 have different times
 - OPCO_MDL_PD_000000732 and OPCO_MDL_PD_000001466 are duplicates with the same date/time
 - OPCO_MDL_PD_000001475 is also a duplicate of these, but the dates and times are different

Please confirm that you will be prepared to discuss on Tuesday’s call.

Thanks,
Emily

Emily Cronin Stillman | Susman Godfrey LLP

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From: "Homer, Carolyn M." <CMHomer@mofo.com>

Date: Tuesday, June 10, 2025 at 8:53 AM

To: Alex Frawley <AFrawley@susmangodfrey.com>, KVP-OAI <kvpoai@keker.com>,

OpenAICopyright <OpenAICopyright@mofo.com>, "Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com)" <openaicopyrightlitigation.lwteam@lw.com>
Cc: "newsplaintiffs-service@simplelists.susmangodfrey.com" <newsplaintiffs-service@simplelists.susmangodfrey.com>, Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>, NYT-AI-Microsoft-OC <newyorktimes_microsoft_ohs@orrick.com>, #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>
Subject: RE: OpenAI - Text Message and Social Media Message Dispute

EXTERNAL Email

Alex,

We will be able to substantially complete the production of our custodians' responsive and non-privileged text/social media messages (to the extent they exist) by July 14, 2025.

Carolyn Homer

Of Counsel

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From: Alex Frawley <AFrawley@susmangodfrey.com>

Sent: Thursday, June 5, 2025 9:18 AM

To: KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>

Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>; #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>

Subject: OpenAI - Text Message and Social Media Message Dispute

External Email

Counsel,

On December 2, 2024, the Court granted Class Plaintiffs' and News Plaintiffs' motions to compel OpenAI to produce text and social media messages from its custodians. *Times* Dkt. 360. OpenAI did not appeal that ruling. That was over six months ago. Yet OpenAI has not yet produced any text or social media messages from its custodians in any of the Class or News Cases.

Class and News Plaintiffs seek a date certain by which OpenAI will comply with the Court's order and complete its production of text and social media messages. Our proposal is that if OpenAI agrees to do so by July 14, i.e. is two weeks prior to the briefing deadline for motions to compel in connection with the August 12 discovery conference, then Plaintiffs will not need to seek relief from the Court. However, if OpenAI refuses, we plan to raise this issue with the Court and request that OpenAI produce the messages within a week. Please let us know by Monday if OpenAI agrees. We are available to meet and confer today, Friday, or Monday.

Best,
Alex

Alexander P. Frawley | Susman Godfrey LLP
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